

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

ZACHARY SMITH and BRIAN KAGARICE,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

TRUMAN ROAD DEVELOPMENT, LLC
d/b/a NO OTHER PUB f/k/a KANSAS CITY
SPORTING AND SOCIAL CLUB, LLC.

THE CORDISH COMPANIES, INC.

ENTERTAINMENT CONSULTING
INTERNATIONAL, LLC.

Defendants.

Case No.: 4:18-cv-00670-NKL

ORAL ARGUMENT REQUESTED

**DEFENDANTS TRUMAN ROAD DEVELOPMENT, LLC D/B/A NO OTHER PUB, THE
CORDISH COMPANIES, INC., AND ENTERTAINMENT CONSULTING
INTERNATIONAL, LLC'S MOTION TO DISMISS**

Defendants Truman Road Development, LLC d/b/a No Other Pub, The Cordish Companies, Inc., and Entertainment Consulting International, LLC, by and through their counsel, respectfully request that this Court grant their Motion to Dismiss pursuant to Fed. R. Civ. P. 12(h)(3). In support of this Motion, Defendants contemporaneously file their Suggestions in Support of their Motion to Dismiss and attached exhibits. Pursuant to Local Civil Rule 7.0(e), Defendants respectfully request oral argument on this Motion.

Dated: September 9, 2020

Respectfully submitted,

/s/ Jacqueline M. Sexton

W. James Foland #25022

Jacqueline M. Sexton #53262

FOLAND, WICKENS, ROPER,

HOFFER, CRAWFORD P.C.

1200 Main St., Suite 2200

Kansas City, Missouri 64105

Telephone: (816) 427-7474

Facsimile: (816) 472-6262

jfoland@fwpclaw.com

jsexton@fwpclaw.com

AND

Lauri A. Mazzuchetti (*pro hac vice*)

Whitney M. Smith (*pro hac vice*)

Glenn T. Graham (*pro hac vice*)

KELLEY DRYE & WARREN LLP

One Jefferson Road

Parsippany, New Jersey 07054

(973) 503-5900

lmazzuchetti@kelleydrye.com

wsmith@kelleydrye.com

ggraham@kelleydrye.com

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on this 9th day of September 2020, the foregoing was filed electronically with the Court using the CM/ECF system, which sent notification of such filing to all counsel of record.

/s/ Jacqueline M. Sexton

ATTORNEYS FOR DEFENDANTS